

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NATIONAL INTERSTATE INSURANCE
COMPANY,

Plaintiff,

v.

TAMANA FREIGHT LINES, LLC, et al.,

Defendants.

Case No. 1:20-cv-01829-NONE-SAB

ORDER REQUIRING PLAINTIFF TO
SHOW CAUSE WHY THIS ACTION
SHOULD NOT BE DISMISSED FOR
FAILURE TO COMPLY WITH ORDER
AND FAILURE TO PROSECUTE AND
CONTINUING MANDATORY
SCHEDULING CONFERENCE

FIVE DAY DEADLINE

National Interstate Insurance Company (“Plaintiff”) filed this action on December 29, 2020, against Mike Tamana Freight Lines, LLC, Amanjot Tamana, and Rupinder Tamana. On this same date, a scheduling order issued setting the mandatory scheduling conference for March 30, 2021. (ECF No. 3.) On February 23, 2021, Plaintiff was ordered to file a notice of status of service on the defendants within ten days. (ECF No. 4.) On February 25, 2021, Plaintiff returned a proof of service for Mike Tamana Freight Lines, LLC showing that the defendant was served by leaving the complaint and summons with a person in charge of the business on January 8, 2021 and mailing a copy of the summons and complaint on January 11, 2021. (ECF No. 5.) However, Plaintiff did not file proof of service for Defendants Amanjot Tamana or Rupinder Tamana or otherwise respond to the February 25, 2021 order.

Further, Defendant Mike Tamana Freight Lines, LLC was served on January 8, 2021, and pursuant to the Federal Rules of Civil Procedure, a responsive pleading was due within twenty-

one days of service of the complaint. Fed. R. Civ. P. 12(a). As of this date, no defendant has made an appearance or responded to the complaint, no stipulation for an extension of time has been filed, and Plaintiff has not sought entry of default.

Accordingly, IT IS HEREBY ORDERED that:

1. Within **five (5) days** of the date of entry of this order, Plaintiff shall SHOW CAUSE IN WRITING why this action should not be dismissed for failure to comply with the February 23, 2021 order and failure to prosecute;
2. The scheduling conference set for March 30, 2021 is CONTINUED to **June 22, 2021, at 9:30 a.m.** in Courtroom 9; and
3. The parties shall file a joint scheduling report **seven (7) days** prior to the scheduling conference.

IT IS SO ORDERED.

Dated: **March 9, 2021**


UNITED STATES MAGISTRATE JUDGE